

NULL AND VOID.

Calhoun County Election So Declared by Election Commission.

GO TO STATE BOARD.

The Board of Election Commissioners of Orangeburg County Unanimously Declare Recent Election to Establish Calhoun County Null and Void, Because Many Qualified Electors Were Not Allowed to Vote.

The Board of Election Commissioners for County and State elections of Orangeburg County declared the late election to establish Calhoun County null and void on last Thursday. The board, which is composed of Messrs. John S. Bowman, W. Brooks Fogle and T. J. Hart, all good and true men, was unanimous in their decision.

The hearing of the case consumed all of Tuesday and Wednesday, and much testimony was taken. The commissioners took the case Wednesday night about 8 o'clock, after all the witnesses had been examined and carefully went over the testimony and the many legal points involved before arriving at their decision, which was announced at two o'clock Thursday.

The members of the Board of Commissioners are among our best people. Mr. Bowman is a member of the Orangeburg Bar and both Messrs. Fogle and Hart are well-to-do farmers. Mr. Hart lives in the lower section of the county near the Berkeley line and Mr. Fogle lives in the proposed territory of Calhoun County and is said to favor the new county.

The following is the full text of the decision of the Board of Commissioners, which is signed by every member of the Board of Commissioners. It has been filed with the Clerk of Court who will forward it immediately to Governor Ansel:

"We find some irregularities in several boxes, such as voting outside of right precincts, not demanding proper proof of payment of taxes, etc., but we find that there are not enough of such irregularities to change the result of this election."

"We further find that about 65 or more qualified electors residing within the area of the proposed new County of Calhoun, including portions of Orange, Goodbys and Poplar townships, were deprived of the constitutional right to vote in this election, as the said electors are residents of the proposed new county, while their voting places are without, and the Act of the Legislature relating to the formation of new counties does not provide the means or the opportunity to vote in such cases."

"We, therefore, find that in depriving these qualified voters of the right to vote the constitutional provision has been violated, and on this ground we do hereby declare this election null and void."

All questions of fact were decided in favor of the new county, the one point upon which the election was declared null and void being the disfranchisement of voters within the new county lines whose precincts were outside, thereby depriving them of exercising their right of suffrage.

Chairman Bowman stated that the board was of the opinion that the Act passed by the Legislature governing the formation of new counties was unconstitutional in that it made no provision for those electors who were separated from their precincts to cast their ballots on questions in which they were directly interested, as guaranteed under the law.

It will be noticed that the Board of Commissioners sustains the contention of the Orangeburg Times and Democrat that no white Democrat, whether for or against the new county, should be deprived of his right to vote on a matter that so vitally concerns him. The Times and Democrat has made a gallant fight for these disfranchised Democrats mentioned by the Board of Commissioners, and it naturally feels elated on being sustained by the intelligent gentlemen composing it.

An appeal will be taken to the State Board of Elections by the promoters of the new county. However that Board may decide the matter, it will be taken to the State Supreme Court and possibly to the United States Supreme Court, as both sides are determined to have the matter settled once for all whether a man can be deprived of his right to vote by an unconstitutional law passed by the Legislature.

When he learned of the decision of the Board of Commissioners Mr. Welch, attorney for the new county promoters, stated that the only surprise was that the decision was unanimous, the new county promoters expecting to have at least one vote. He also said that a different story would be heard after the State board reviewed the case.

Col. D. O. Herbert and W. C. Wolfe Esq., who has fought manfully for the disfranchised Democrats are gratified that the county board has sustained their contention, which was principally based on the point which was cited by the board as their reason for declaring the election null and void.

PLUNGES TO DEATH.

Rich Inventor in New York Falls Seven Stories.

He Was Manufacturer of Moving Picture Machines and Was Prosperous.

Henry Miles, wealthy manufacturer of moving picture apparatus, in New York Thursday night met instant death when he plunged down seven stories to the rear of the Concord Hall Apartments, at the Northeast corner of One Hundred and Nineteenth street and Riverside Drive.

Miles lived with his brother, Herbert, on the seventh floor. It is said that for several years he has suffered severely from insomnia, but it is not known whether this affected his mind sufficiently to cause him to commit suicide.

The man's brother said last night that Henry had also suffered from epileptic fits, and that it was during one of these that he in some manner plunged over the sill of the rear window of the apartments, and landed in the court below.

Miles was forty years old and unmarried. His fall was not witnessed by any one except his brother. The body went straight down and landed on the head, which crushed instantly. Death was instantaneous.

A surgeon was called from J. Hood Wright Hospital and after a short examination said that there was no need for a doctor. The police were notified and ordered that the body be kept in the court until the Coroner took action.

In the room which the man occupied it was found that for two months he had been keeping a diary. This little volume set forth, day by day, and sometimes hour by hour, the inventor's mental and physical condition, the number of times he had suffered severely from the malady and other facts in connection with his daily life.

The last entry in this diary was marked down at 12.12 p. m. Wednesday. It was at 10:30 according to the brother, that he fell from the window.

None of the tenants were given knowledge of the tragedy Wednesday night, it being feared that many might spend the remainder of the evening elsewhere. But when the police arrived and the ambulance clanged up, some of them learned of the affair. There was no panic however.

THE CATTLE TICK.

The Pest Cause Great Loss to Southern Farmers.

Dr. Dodson, director of the State experiment stations of Louisiana, has issued an appeal to the people of the Southern States to use their influence with the United States Senators and Congressmen to secure a liberal appropriation from Congress to aid the Southern States in fighting the cattle tick.

In the letter he says: "One of the most important problems confronting Southern agriculture is eradicating of the cattle fever tick. A careful estimate by the Federal authorities places the annual loss to cattle in the infested Southern States at the enormous sum of \$40,000,000."

"Sufficient work has already been done to demonstrate the feasibility of cleaning the infected territory of the parasite."

FIRE AT LAMAR.

Thirty-Two Horses and Mules Burned to Death.

A dispatch from Lamar to the Columbia Record says Wednesday night at 9 o'clock the livery and sale stable of McElven and Hudson and Boykin and Rogers were totally destroyed by fire. Thirty-two head of horses and mules, also 30 buggies and a number of wagons belonging to McElven were burned. Boykin and Rogers' loss is not definitely known, but is thought to be heavy.

At one time it was thought that a number of dwelling houses would also be burned, but the heroic work of cleaning the infected territory of the parasite.

SEABOARD AIRLINE RAILWAY.

Placed in the Hands of a Receiver Thursday.

A dispatch from Richmond, Va., says Judge Pritchard, judge of the United States circuit court, entered a decree Thursday naming S. Davies Warfield of Baltimore and R. Lancaster Williams of Richmond as receivers to take immediate possession of the property of the Seaboard Air Line railroad. The bond of each was fixed at \$50,000. This system has considerable mileage in South Carolina.

WRECKED BY DYNAMITE.

A Tenement House in New York Blown Up.

At New York a dynamite bomb, believed to have been set off by members of the Black Hand Society, wrecked the entire lower floor of a five-story tenement house on East Eleventh street Thursday night and caused a panic among the people of the neighborhood.

THE TESTIMONY

Taken in the Calhoun County Election Contest Case.

SOME SPICY READING

Which Will Be Enjoyed by Our Readers, Who Are Urged to Read Every Line of the Testimony Below and Judge for Themselves as to the Merits of the Contests Now Going On.

Messrs. John S. Bowman, T. J. Hart and B. W. Fogle, Commissioners of County and State Elections for Orangeburg County, acting as a County Board of Canvassers, met in this city on Tuesday morning and resumed the consideration of the Calhoun County Election, which it will be remembered was contested by Messrs. A. B. Parler, A. C. Smith, S. J. Smith and others, because they were not allowed to vote in the new county election although residents of the territory embraced within the lines of the proposed new county and other irregularities. The full text of this protest was published in The Times and Democrat on December 26.

Messrs. Bellinger & Welch, attorneys for the new county advocates, filed an answer to the protest in the name of W. T. C. Bates, T. A. Amaker, J. S. Wannamaker, M. D. Keller, Geo. Fairley, O. H. Wienges, G. A. Baxter, R. J. Rucker, Gus Holman, for themselves and others, denying each and every allegation and statement contained in the protest filed for A. B. Parler, A. C. Smith, S. J. Smith and others by Col. D. O. Herbert and W. C. Wolfe, Esq., their legal representatives, and demanding strict proof thereof.

After establishing the lines of the proposed County of Calhoun by Mr. J. Stokes Sailey, one of the commissioners by law off said lines, and Mr. F. W. Frederick, the surveyor, who surveyed the said lines, Col. Herbert and Mr. Wolfe introduced the following testimony to sustain the protest they had filed:

The Disfranchised Democrats.

S. J. Smith being duly sworn testifies as follows:

Q. Where do you live Mr. Smith?

A. In Goodbys township in Orangeburg County.

Q. You live in the portion that is cut off for the new county? A. Yes.

Q. Are you familiar with the people who live in Goodbys township?

A. I am sir.

Q. Are you a registered elector?

A. Yes sir.

Q. Where is your voting precinct?

A. At Dantzier's Mill.

Q. Is that inside the lines of the proposed new county or outside? A. It is outside.

Q. Take the male citizens within the proposed new county, how many male citizens qualified to vote? Objection. Bring the gentlemen here and let them testify.

Col. Herbert: The books are in evidence and if Mr. Smith knows he can certainly state.

Mr. Welch: Let the record speak for itself.

Q. Do you know the male citizens who live within the lines of Goodbys township? A. Yes sir.

Q. State the number of those men?

A. Objection. Irrelevant.

Q. Have you canvassed the voters in that part of the county? A. Yes sir.

Q. Were you one of those who went to Cameron to vote? A. Yes sir.

Q. Were you allowed to vote? A. No sir.

Q. Why was that? A. That was because I lived in Goodbys.

Q. Was there any voting place open in Goodbys? A. No sir.

Q. How many voting places are there in Goodbys? A. Only one sir, Dantzier's Mill.

Q. How many male residents reside in that portion of Goodbys township that is cut off for the new county? A. There are sixty odd.

Q. Can you name some of them?

A. Yes sir.

Q. Look at this paper and tell me some of those people within the proposed new county? A. E. J. Rickenbaker, W. S. Rickenbaker, F. J. Felkel, Odie Felkel, Walter B. Felkel, Willie D. Felkel, A. C. Felkel, A. R. Parler, J. E. Jourdain, J. A. Troutman, M. C. Bair, N. B. Arant, C. W. Felder, G. S. Hungerpeler, W. A. Hoffman, S. B. Stoudenmire, F. R. Murphy, R. E. Wiles, W. O. Troutman, S. J. Troutman, G. D. Troutman, E. H. Dantzier, O. G. Dantzier, L. C. Ulmer, W. F. Dantzier, J. F. Evans, A. D. Wiles, Wm. Rickenbaker, and

Col. Herbert: That will do.

Q. Are you a Notary Public? A. Yes sir.

Q. Did you take the names of all the parties whose names appeared here? A. Yes sir I did.

Col. Herbert read affidavit and offered it in evidence.

Q. Did you swear all these people to this paper? A. Yes sir.

Q. You know the people that signed this paper? A. Yes sir.

Q. Have all these people sworn before you that they were qualified electors? A. Yes sir.

Q. They all swore to what is on this paper? A. Yes sir.

Objection by Mr. Welch sustained by the commissioners.

Col. Herbert We will put the paper in then as a list of parties identified by Mr. Smith as parties living in this township.

Mr. Welch: I have no objection to that.

Col. Herbert. We have the books of registration here showing the registered voters, the book for Dantzier's Mill, has not been introduced, if the witness knows these men and knows they are registered voters he can state that fact.

Mr. Welch objected, contending that the books and registration certificates are the best evidence.

After argument pro and con, Mr. Bowman ruled: Mr. Welch, I will sustain your position, but I will allow the affidavits to come in. I will allow the affidavits in for what they are worth. Mr. Smith cannot go into details but I will allow the affidavits to be introduced.

Mr. Welch: Does your Honor think that you have sustained my position if you let the affidavits in.

Q. Look at that affidavit, Mr. Smith, and see if you swore those people to that paper? A. Yes sir I did.

Names of Those Disfranchised.

State of South Carolina, County of Orangeburg.

Personally appeared before me the undersigned, who on oath say that they are residents of Goodbys township, in Orangeburg County, in the said state and that they are also residents within the territory of the proposed new county of Calhoun, they and each of them have registration certificates, to vote at Dantzier's Mill, and are qualified electors, if there are any in the said county and would have voted against the formation of the said new county had they not been disfranchised by their voting place, Dantzier's Mill, being cut out side of the proposed new county, and the law, which makes no provision for the opening of the polls at precincts outside of the new county.

Signed: E. J. Rickenbaker, W. S. Rickenbaker, F. J. Felkel, Odie Felkel, Walter B. Felkel, Willie D. Felkel, A. C. Felkel, A. R. Parler, J. C. Jourdain, J. A. Troutman, F. C. Bair, M. B. Arant, C. W. Felder, G. S. Hungerpeler, W. A. Hoffman, S. B. Stoudenmire, F. R. Murphy, R. E. Wiles, S. O. Troutman, J. D. Troutman, F. H. Dantzier, O. G. Dantzier, L. C. Ulmer, W. F. Dantzier, J. F. Evans, A. O. Wiles, Wm. Rickenbaker, D. C. Allen, H. I. Dantzier, O. G. Evans, Frank M. Dantzier, Shuler D. Houck, W. D. Houck, M. E. Rickenbaker, A. C. Smith, H. C. Smith, C. V. Felkel, T. W. Rickenbaker, J. L. Haigler, D. A. Dantzier, John Haigler and S. J. Troutman.

Sworn to before me this 21st day of December, 1907.

S. J. Smith,

(L. S.) Notary Public, S. C.

Q. Did you swear these people to this paper here? A. Yes sir.

Four other affidavits like the above taken by Mr. S. J. Smith as Notary Public were submitted in evidence.

The first was signed by Mr. W. C. Stoudenmire, T. E. Jourdain and M. C. Murphy, and the second was signed G. W. Smith, and the third by R. C. Irick, C. W. Polin, T. L. Polin, R. J. Browning, H. W. Sailait, J. F. Cribb, J. H. Hipp, D. F. Haigler, D. B. Bookhardt, H. I. Shumaker, E. F. Irick, W. B. Bookhardt, and the fourth by L. F. Jones, T. F. Hoffman, S. J. Smith, L. F. Rickenbaker, W. R. Hoffman, Eli Jackson. These men all swore that they were qualified to vote but couldn't do so because their polling precinct was outside the territory of the proposed Calhoun County.

The following affidavit was then introduced:

State of South Carolina, County of Orangeburg.

Personally appeared before me the undersigned Notary Public, the undersigned persons who on oath say that they are residents of the territory of the proposed new County of Calhoun, that they would have registered as they are entitled to do and would have voted against the formation of the said new county, had they had an opportunity to do so, but that the Supervisors of Registration failed to open their Books of Registration at the town of Elmore or Cameron in the year 1907, and that they were thereby denied the privilege and opportunity of registering as required by law.

Sworn to before me this 21st day of December, 1907.

(L. S.) S. J. Smith,

Notary Public, S. C.

Signed: B. E. Cuttino, S. J. Cherry, O. W. Stock, M. I. Stock, N. O. Brown, D. S. Wiles, John P. Wiles, A. H. Rickenbaker, G. W. Smith, Jake Clemons, S. J. Rickenbaker, Jas. P. Dantzier, W. W. King and J. F. Bookhardt.

Q. Tell us whether or not you know those people who signed those papers? A. Yes sir I do.

Q. Where do they live? A. They lived in Goodbys most of them, but there are a few that lived in Lyons.

Q. As those lines were run down there were there any considerable number of voters in Goodbys that could not vote? A. Yes sir there were.

Q. Was it a large or small number? A. A large number sir.

Q. Do those affidavits cover all of the voters? A. No sir.

Q. Could you estimate about how many were outside of those named in the affidavits? A. Yes sir there were some seven or eight.

Q. That was in Goodbys township? A. Yes sir, in Goodbys.

Q. Can you tell me about Poplar, as any one deprived of the right to vote there? A. Yes sir there was.

Q. About how many? A. There was about a dozen.

Q. Do you object to telling how you stood on this question? A. I was opposed to the new County, sir.

Q. Will you state how the people generally down in Goodbys stood? A. They were opposed to it, there was forty-nine out of fifty opposed to it.

Q. What do you mean by that, state if nearly all of them were opposed to it? A. Yes sir they were.

Q. What county and state do you reside in? County of Orangeburg, State of South Carolina.

Q. Tell the Court whether or not you are a citizen of the United States? A. Yes sir, I am.

Q. Are you a tax payer of this county? A. Yes sir, I am.

Q. State whether you are a citizen of Orangeburg County and of South Carolina. A. Yes sir I am.

Q. State whether the voting place at which you registered to vote was in the proposed new county? A. No sir it was not.

Q. Do you live in the proposed new County? A. Yes sir, I do live within the proposed new county.

Over One Hundred Disfranchised.

W. D. Houck being duly sworn testifies as follows:

Q. Where do you live Mr. Houck? A. In Orangeburg County.

Q. What township do you live in? A. Goodbys.

Q. State whether you are a qualified elector or not? A. Yes sir I am.

Q. You live inside the lines of the proposed new county? A. Yes sir.

Q. Where were you registered to vote? A. At Dantzier's Mill.

Q. Were you able to vote at the recent election? A. No sir.

Q. Do you mind telling how you would have voted? A. Yes sir, I would have voted against the new county.

Q. You know the voters who live in Goodbys? A. Yes sir, most of them.

Q. Were there any considerable number of them who were deprived of voting in the recent election? A. They did not any of them vote.

Q. What would that number amount to? A. It would be something over a hundred I think.

Cross examination by Mr. Welch.

Q. What township are you in? A. In Goodbys.

Q. How many voters were there in your township that could not vote? A. There was a good large number somewhere about a hundred.

Q. That could not vote? A. Yes sir.

Q. Have you got a list of those names? A. No sir.

Q. There are a hundred in that one township? A. Yes sir I think so.

Q. What township is that? A. That is Goodbys.

Q. Do you know of your own knowledge that there are a hundred voters on those books? A. I don't think there are but eighty odd, that is what I have heard, I did not count them.

Q. You did not count them? A. No sir.

Q. There are not more than eighty on the books that could vote? A. I don't know that positively sir.

Q. When you say that there were 80 on the books that could vote that is merely hearsay? A. Yes sir.

Q. When you said that there were over a hundred voters there you meant to include those who had not registered? A. Yes sir all of them.

Q. How about in Poplar township? A. I don't know so much about that.

Not Allowed to Vote.

A. R. Parler being duly sworn testifies as follows:

Q. State whether you are a citizen of the United States, of South Carolina, and of Orangeburg County Mr. Parler? A. Yes sir I am.

Q. What township do you live in? A. Goodbys.

Q. Are you within the lines of the proposed new County? A. Yes sir.

Q. Did you register to vote? A. Yes sir.

Q. Where do you regularly vote? A. At Dantzier's Mill.

Q. Is that in the new County or outside? A. That is outside.

Q. Were you able to vote at the election on the new County? A. No sir.

Q. You know the voters of Goodbys, were there any others in your position that could not vote? A. Yes sir.

Cross Examination by Mr. Welch.

Q. You were on the inside of the new County? A. Yes sir.

Q. And on account of your box being on the outside you could not vote? A. That is right sir.

Q. If you had voted you would have voted against the new County? A. Yes.

Q. How many registered voters were there in your condition? A. I guess there were about seventy, if we had taken the darkies like they did in other places we would have had a hundred.

Q. What places do you refer to that darkies were used? A. I heard that there were a few at St. Matthews.

Q. How many were there at Adavance? A. I don't know sir.

Q. Don't you know that at Adavance about thirty colored folks voted and voted against the new County? A. No sir I don't know that.

Q. You know something of the names that we had on those papers that were introduced, were they white or colored? A. They were all white, none colored.

Q. Were there any people around Elmore that were inside those lines and not registered? A. I don't know but I think so.

Q. And you say that there were no colored folks who signed these affidavits? A. No sir.

Q. There are no colored folks down there? A. Yes sir but they did not allow them to vote.

They Were Shut Out.

A. C. Smith being duly sworn testifies as follows:

Q. You are a citizen of the United States and of South Carolina and of Orangeburg County and a tax payer are you? A. Yes sir I am.

Q. You are a registered elector? A. Yes sir at Dantzier's Mill.